

No.	By:	Associated With:	Comment	Response
1	Tom Dewson, Save Our County, Inc., Civic League for New Castle County, Southern New Castle County Alliance, Milltown – Limestone Civic Alliance, Greater Hockessin Area Development Association	Section 2.1 - Purpose	Legal Authority. DelDOT failed to address the longstanding issue of “hot potato”, where DelDOT and the County each point to the other on responsibility for transportation infrastructure. Our reading of the law is that the State’s roads are fundamentally the responsibility of DelDOT. The below text, added by DelDOT in the latest draft, perhaps best illustrates the gulf between the public’s expectations and DelDOT’s perspective. In the preamble discussing the purpose of Traffic Impact Studies, DelDOT has added these words <i>“DIRECT REQUIREMENTS BY DELDOT TYPICALLY ARE LIMITED TO THE LOCATION AND DESIGN OF THE DEVELOPMENT ACCESS”</i> .	<p>We agree completely that the State’s roads (or at least the 89% we maintain) are fundamentally the responsibility of DelDOT. However, the law just as clearly places responsibility for land use with the state’s local governments. To the extent that we impose a requirement beyond what is necessary for safe access, we are subject to a legal claim by the developer that we are unreasonably diminishing their property value. Therefore we seek to work with local governments to have them make offsite transportation improvements a condition for the land use approvals they grant.</p> <p>It should be recognized that local governments are somewhat constrained in these regards as well. When granting a rezoning, they are acting legislatively and have broad authority to require things of the property owner. However, when they are approving subdivision and land development plans they are acting administratively and can only require what they have authorized themselves to do in their county or municipal code.</p>
2		Section 2.13 – Transportation Improvement Districts	Infrastructure Funding. DelDOT made no changes to the flawed infrastructure funding program whereby developers pay an assessment to DelDOT and are then free to proceed with development. This sets up a situation where developers can pay pennies on the dollar for improvements, the improvements never get made, and the public is left with a traffic nightmare that the taxpayer ends up eventually funding out of our own pockets. There needs to be DIRECT LINKAGE – needed improvements are identified up front, and developers make (and pay for) the required upgrades CONCURRENT with the build-out of their project. If this occurs within a TID, DelDOT can apportion the work across the responsible parties, but the developers fund and implement the work as a	Again, in Delaware the authority to make that linkage rests with the local governments, apart from entrance construction (and street construction where the developer is building subdivision streets for State maintenance). New Castle and Kent Counties have made use of that authority by placing concurrency requirements in their County Codes. Adoption of our proposed regulations will not change those Codes. We are not convinced that concurrency requirements are essential but regardless, the safeguard you seek is there in New Castle County’s Unified Development Code. If

			condition of occupancy. This is the only way to protect the public.	you believe it needs to be adjusted, we recommend that you contact the County.
3		Section 2.5.2.2 - Intersections and Roadways to be Studied	Regional Impact. DelDOT failed to address developments with regional impact to the transportation system. The proposed "3rd road out limitation" specifically prevents this type of analysis and needs to be changed. Some states such as Florida have a square footage threshold for major land developments that have regional impact.	Working with the County Planning Directors, DelDOT staff looked at several different approaches to defining study areas without finding one that served all development situations well. We believe that the best approach is the creation of TIDs but find that the method now proposed is acceptable where there is no TID.
4		Section 2.13 – Transportation Improvement Districts	Public Engagement/TIDs. DelDOT’s responses to specific questions posed by the public continue to indicate their concerns regarding public involvement. This is particularly significant given DelDOT’s push to broadly implement Transportation Improvement Districts with their long time horizons, complexity and limited role for the public. As one citizen noted, TIDs may have the effect of further reducing public engagement in an environment where it’s already judged to be insufficient.	While the meetings are not enumerated in the proposed regulations, the proposed process for creating and maintaining a TID would require multiple hearings and actions by the local government’s planning and zoning committee and municipal or council, and probably by the advisory committees and council of the local Metropolitan Planning Organization (MPO) where there is one. We believe the meetings of these bodies will provide for sufficient public involvement.
5		Section 2.3.1 – Basis for Recommendation [that a Traffic Impact Study (TIS) be required]	Non-Residential Rezoning. The latest draft adds a clause that non-residential rezonings without a specific associated development plan should be CONSIDERED WITHOUT A TIS at all, and that the need for a TIS be evaluated when the development proposal is defined. This is unacceptable to the community.	We support the practice, espoused in New Castle County’s Unified Development Code, of requiring that every rezoning have an associated land development plan. However, most jurisdictions in Delaware do not have this requirement. Without a plan we have no way of knowing what will be developed on the subject land and the engineer preparing the TIS has no means of estimating the development’s traffic. Until now we have not needed this clause because our regulations say that we <u>may</u> require a TIS for rezonings. At your urging we changed the proposed language from must to may during the last round of comments and adding this clause has become a practical necessity.
6		Section 2.3.1 – Basis for Recommendation [that a Traffic Impact Study (TIS) be required]	Existing Conditions. The latest draft REMOVED LANGUAGE that DelDOT will recommend a TIS if development is proposed for a non-rural area where existing conditions are currently below LOS D. Again, this is unacceptable.	Again, this change is a consequence of the change from “may” to “must” in the language regarding requirement of a TIS. It should not make a difference for New Castle County and Kent County residents, who have concurrency requirements in their County Codes. For residents of Sussex County and the municipalities, not removing this language would mean a drastic change

				for which we have heard no support.
7		Sections 2.3.4 – Development within a Transportation Improvement District and Section 2.14.1 – Traffic Operational Analysis – Introduction, Paragraph 1	<p>Calculation Methods. The latest draft curiously modified several calculation methods which appear to FURTHER WEAKEN CURRENT/PROPOSED REGULATIONS, and are unacceptable.</p> <p>-Default Contribution Formula. For situations in which a TID exists and no formula for developer contributions has been defined, the default formula for contributions is now proposed to be based on % of total traffic vs % of increased traffic, A MAJOR CHANGE. To illustrate, let's examine a roadway with, say, 6,000 vehicles of peak hour traffic. A development is proposed that adds 3,000 vehicles of peak hour traffic. With no other nearby new developments underway, logic would require that 100% of needed road upgrades be funded by the developer creating the impact (using <u>the % of increased traffic method</u>). DelDOT, however, is now proposing to use a <u>% of total traffic method</u>. Under this calculation, the developer would only be required to fund 33% (3,000/9,000) of needed road upgrades, with the REMAINING 67% SUBSIDIZED BY THE TAXPAYER.</p> <p>-Queuing Analysis Standard. A Queuing Analysis is utilized to determine whether existing and proposed left hand turn lanes near developments are adequate. Current regulations specify that 98% of expected queues be accommodated at signalized intersections. DelDOT's latest draft proposes to RELAX THIS TO 95% with the reasoning that it's "consistent with our current practice". In our view, the fact that DelDOT may not have followed established rules is no justification to relax existing requirements. This logic, carried forward, creates a host of unintended consequences.</p>	<p>The proposed change in the default contribution formula is a matter of fairness. While development is often the catalyst for road improvements, <u>all</u> of the traffic using a road contributes to the need for the improvement. With this change we are acknowledging that the taxpayer has some responsibility in this regard. Keep in mind that TIDs would only be created in places to which the Strategies for State Policies and Spending say the State should be directing its spending.</p> <p>With regard to standards for queuing analysis, we appreciate your point about our stated reasoning. We should have said more. Missing from our response is an explicit statement that we are making our requirement regarding <u>signalized</u> intersections consistent with our requirement regarding <u>unsignalized</u> intersections, but that is what we are doing.</p> <p>Also missing is a good explanation of what this change means in terms of how often the capacity of a left turn lane would be reached or exceeded. For an intersection with a two-minute signal cycle, one would expect a 90th percentile queue to occur three times in each peak hour, a 95th percentile queue to occur once or twice in each peak hour and the 98th percentile queue to occur once a day in one of the peak hours.</p> <p>Having considered the matter, we find that a requirement that left turn lanes be long enough to store the 95th percentile queue provides an adequate balance between protecting the traveling public and accommodating development.</p>
8	William V. Mentzer, President, Limerick Maintenance	Various	You recently received a joint comment letter (copy attached) dated Dec 31 from Save Our County, Civic League, Greater Hockessin Area Development Association & Milltown-Limestone Civic Alliance. I share these concerns and believe significant changes are needed before the proposed new rules move forward.	See responses to Comment Nos. 1 through 7.

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9	Joan Comer, 2 Halsey Dr., Wilmington DE 19807	Various	You recently received a joint comment letter (copy attached) dated Dec 31 from Save Our County, Civic League, Greater Hockessin Area Development Association & Milltown-Limestone Civic Alliance. I share these concerns and believe significant changes are needed before the proposed new rules move forward.	See responses to Comment Nos. 1 through 7.
10	Samuel C & Carroll K. Terranova, 3 Halsey Drive, Halsey Drive Service Association , Wilmington, DE 19807	Various	Recently you received a joint letter from several Civic groups and Local Communities for which we have received a copy. I share these concerns and believe significant changes are needed before the proposed new rules move forward.	See responses to Comment Nos. 1 through 7.
11	David & Amy Spain, 105 Watford Rd., Wilmington, De 19808 Westgate Farms Civic Association	Various	You recently received a joint comment letter dated Dec 31 from Save Our County, Civic League, Greater Hockessin Area Development Association & Milltown-Limestone Civic Alliance. I share these concerns and believe significant changes are needed before the proposed new rules move forward.	See responses to Comment Nos. 1 through 7.

12	Mark Lyons, Westgate Farms land use committee	Various	You recently received a joint comment letter dated Dec 31 from Save Our County, Civic League, Greater Hockessin Area Development Association & Milltown-Limestone Civic Alliance. I share these concerns and believe significant changes are needed before the proposed new rules move forward.	See responses to Comment Nos. 1 through 7.
13	Joseph W. Jackson, 133 Westgate Drive, Westgate Farms 19808	General	Communities need hard data to evaluate when new developments are proposed. Please do not weaken existing Deldot rules.	Thank you for your comments.
14		General	What would be achieved by the proposed changes? Is the goal to reduce spending or decrease the time cycle? I still cannot understand why a charter school would have different requirements in terms of impact on traffic.	<p>The proposed changes to our Standards and Regulations are intended to achieve several purposes. The original intent was primarily to provide for more comprehensive studies and this is still addressed. We are hopeful that the new regulations regarding Transportation Improvement Districts will provide some cost and time savings compared to having multiple Traffic Impact Studies within the same area, but that has yet to be determined.</p> <p>It is not clear what you mean about charter schools having different requirements. Schools differ from most other land uses in that the school day ends before the regular workday. Therefore their afternoon traffic volumes peak well before the general peak hour. Relative to other public schools serving the same grades, however, we see no difference between charter schools and others.</p>
15	Elizabeth A. Hunt, Westgate Farms	Various	You recently received a joint comment letter dated Dec 31 from Save Our County, Civic League, Greater Hockessin Area Development Association & Milltown-Limestone Civic Alliance. I fully share these concerns and believe significant changes are needed before the proposed new rules move forward. Significant changes are needed to represent the interests	See responses to Comment Nos. 1 through 7.

			of all stakeholders, public domain and neighbors. Most appalling is the statement, "Under this calculation, the developer would only be required to fund 33% (3,000/9,000) of needed road upgrades, with the REMAINING 67% SUBSIDIZED BY THE TAXPAYER ". An absolute outrage!	
16		General	I work at Ashland Inc., located on Hercules Road, and I travel rte 41, rte 48 and Hercules Rd and I live in Westgate Farms. Only minor changes were made to Hercules Road to accommodate Toll Brother's Greenville Overlook, which did nothing to decrease the traffic. Toll Brother's proposed development on the other side of Ashland, will be yet another traffic nightmare. Add to that the Charter Odyssey school's impact on all of the aforementioned roads, gridlock is an absolute certainty.	Thank you for your comments.
17	Albert Campbell, Westgate Farms Civic Association member	Various	You recently received a joint comment letter dated Dec 31 from Save Our County, Civic League, Greater Hockessin Area Development Association & Milltown-Limestone Civic Alliance. I share these concerns and believe significant changes are needed before the proposed new rules move forward.	See responses to Comment Nos. 1 through 7.
18	Paula Setting, 113 Watford Road, Westgate Farms, Wilmington, DE 19808	Various	You recently received a joint comment letter dated Dec 31 from Save Our County, Civic League, Greater Hockessin Area Development Association & Milltown-Limestone Civic Alliance. I share these concerns and believe significant changes are needed before the proposed new rules move forward.	See responses to Comment Nos. 1 through 7.
19	Matthew M. Greenberg, Westover Hills, Section B	Various	You recently received a joint comment letter dated Dec 31 from Save Our County, Civic League, Greater Hockessin Area Development Association & Milltown-Limestone Civic Alliance. I share these concerns and believe significant changes are needed before the proposed new rules move forward.	See responses to Comment Nos. 1 through 7.
20	Megan S. Greenberg,	Various	You recently received a joint comment letter dated Dec 31 from Save Our County, Civic League, Greater Hockessin Area Development Association	See responses to Comment Nos. 1 through 7.

	Esq. Resident, Westover Hills Greenwood Road		& Milltown-Limestone Civic Alliance. I share these concerns and believe significant changes are needed before the proposed new rules move forward. As a public agency, it is incumbent upon your organization to convene and discuss such issues with engaged members of the public. This proposal provides that opportunity. We urge you to seize it.	Consistent with your recommendation, we have met the authors of the joint comment letter to discuss those comments. Our responses here reflect the results of that meeting.
21	Melinda Mayes Penn, 703 Princeton Road, Wilmington, DE 19807	Various	<p>DelDot does not seem to be protecting residential communities regarding DelDOT's Dec. 14 draft Amendment to the Standards and Regulations for Subdivision Streets and State Highway Access.</p> <p>My husband Bob and I believe significant changes should take place before the proposed new rules move forward.</p> <p>The joint comment letter dated Dec 31 from Save Our County, Civic League, Greater Hockessin Area Development Association & Milltown-Limestone Civic Alliance expresses our feelings.</p> <p>We respectfully request that you consider the concerns we share that are expressed in the letter sent to DelDOT from the group listed.</p>	See responses to Comment Nos. 1 through 7.
22	Joseph B. Clark, Sr., 160 Oldbury Dr., Westgate Farms, Wilmington, DE 19808	Various	You recently received a joint comment letter dated Dec 31 from Save Our County, Civic League, Greater Hockessin Area Development Association & Milltown-Limestone Civic Alliance. I share these concerns and believe significant changes are needed before the proposed new rules move	See responses to Comment Nos. 1 through 7.
23	Martha L Elizabeth Patterson	Various	As a resident of New Castle County residing in Wilmington, this hereby serves as my agreement with the December 31st comments by "Save Our County".	See responses to Comment Nos. 1 through 7.
24		General	<p>Do we need another failed project?</p> <p>e.g... Brandywine Town Center is still not consistent with full occupancy. The adjacent community of Brandywine Hunt has been negatively impacted with trespassers, noise and sewage issue problems.</p>	Thank you for your comments.

			<p>The Wilmington Riverfront significantly experienced commerce failure as several companies vacated.</p> <p>Traditionally, New Castle County has been well insulated from economic downturns and recessions. However that is no longer the case as this is a precarious economic climate.</p> <p>Let us preserve and improve on what we have. I urge you to adopt more rigorous standards.</p>	
25	Brian Murphy, 129 Oldbury Drive, Westgate Farms	Various	You recently received a joint comment letter dated Dec 31 from Save Our County, Civic League, Greater Hockessin Area Development Association & Milltown-Limestone Civic Alliance. I share these concerns and believe significant changes are needed before the proposed new rules move forward	See responses to Comment Nos. 1 through 7.
26	Don Shedrick, Member, Braidablik civic association	Various	You recently received a joint comment letter dated Dec 31 from Save Our County, Civic League, Greater Hockessin Area Development Association & Milltown-Limestone Civic Alliance. I share these concerns and believe significant changes are needed before the proposed new rules move forward.	See responses to Comment Nos. 1 through 7.
27	John P. Jessup 708 Princeton Road, Wilmington, DE 19807 Waterford Homeowners	Various	<p>I am concerned about DelDOT's Dec. 14 draft Amendment to the Standards & Regulations for Subdivision Streets and Highway Access.</p> <p>Specifically, I share the concerns outlined in Dec. 31 joint comment letter from Save Our County, Civic League, Greater Hockessin Area Development Association & Milltown-Limestone Civic Alliance.</p> <p>I believe significant changes are required before the new rules are enacted.</p>	See responses to Comment Nos. 1 through 7.

	Association -Section B			
28	Reid and Linda Kellogg, 808 Princeton Rd, Wilmington, DE 19808 Westover Hills Section B Residents	Various	You recently received a joint comment letter dated Dec 31 from Save Our County, Civic League, Greater Hockessin Area Development Association & Milltown-Limestone Civic Alliance. I share these concerns and believe significant changes are needed before the proposed new rules move forward.	See responses to Comment Nos. 1 through 7.
29	Alisha Bryson, Westgate Farms Civic Association	Various	You recently received a joint comment letter dated Dec 31 from Save Our County, Civic League, Greater Hockessin Area Development Association & Milltown-Limestone Civic Alliance. I share these concerns and believe significant changes are needed before the proposed new rules move forward.	See responses to Comment Nos. 1 through 7.
30	Mike and Laurie Czajkowski , 115 Oldbury Drive, Wilmington, DE 19808 Westgate Farms Civic Association	Various	<p>You recently received a joint comment letter dated Dec 31 from Save Our County, Civic League, Greater Hockessin Area Development Association & Milltown-Limestone Civic Alliance. We share these concerns and believe significant changes are needed before the proposed new rules for traffic studies move forward.</p> <p>We respectfully request that you NOT implement these proposed new rules as currently drafted as they do not protect the public's interest</p>	See responses to Comment Nos. 1 through 7.
31	Claudia	Various	You recently received a joint comment letter dated Dec 31 from Save Our	See responses to Comment Nos. 1 through 7.

	Powers and William Lucas, 1113 Berkeley Rd, Westover Hills, Wilmington, DE 19807		County, Civic League, Greater Hockessin Area Development Association & Milltown-Limestone Civic Alliance. I share these concerns and believe significant changes are needed before the proposed new rules move forward. I believe the long term interests of our community need to be the primary consideration.	
32	Fred M. Cash, Westgate Farms	General	we are residents of Westgate Farms, and we strongly oppose any watering down measures to make it easier for developers to avoid traffic impact studies that can result in even worse traffic conditions than we already have between Wilmington and Hockessin and Prices Corners.....unrestrained developments have already burdened tax payers for huge future remedial expenditures while the quality of life deteriorates.....major projects such as the Barley Mill mall and a charter school at Delaware routes 48 and 41 are obvious examples of "traffic bombs" getting ready to explode without sufficient studies and expenditures by the developers to prevent the problems they hope to foist on the taxpayers.....Thanks for any help you can provide to protect current home owners and taxpayers.	Thank you for your comments.
33	Mary P. Willey, 151 Oldbury Dr., WESTGATE FARMS Wilmington, DE 19808	Various	You recently received a joint comment letter dated Dec 31 from Save Our County, Civic League, Greater Hockessin Area Development Association & Milltown-Limestone Civic Alliance. I share these concerns and believe significant changes are needed before the proposed new rules move forward.	See responses to Comment Nos. 1 through 7.
34	Joan and William Derry, Westgate Farms,	Various	You recently received a joint comment letter dated Dec 31 from Save Our County, Civic League, Greater Hockessin Area Development Association & Milltown-Limestone Civic Alliance. I share these concerns and believe significant changes are needed before the proposed new rules move forward.	See responses to Comment Nos. 1 through 7.

	111 Wallasey Rd., Wilmington, DE 19808			
35	Hannah Koziski (current president, Breidablik Civic Assoc.) 3321 Breidablik Drive, Wilm., DE 19807	Various	You recently received a joint comment letter dated Dec 31 from Save Our County, Civic League, Greater Hockessin Area Development Association & Milltown-Limestone Civic Alliance. I share these concerns and believe significant changes are needed before the proposed new rules move forward.	See responses to Comment Nos. 1 through 7.
36		General	Common sense would guide one to know that a traffic study needs to be done prior to making a decision about redevelopment plans for the Barley Mill site with regard to the impact such redevelopment would have to the already congested roads in the area. No doubt you will agree. Thanks for your interest in this important matter to New Castle County.	We do agree that the traffic impacts of the proposed redevelopment of Barley Mill Plaza need to be examined and road improvements need to be required of the developer. As necessary, we intend to hold our Letter of No Objection (normally required by New Castle County prior to record plan approval) until that occurs. Presently the developer has yet to produce a land development plan with enough detail for that work to be done.
37	Vincent and Denise Vivolo Westgate Farms 113 Oldbury Drive Wilmington, DE 19808	Various	You recently received a joint comment letter dated Dec 31 from Save Our County, Civic League, Greater Hockessin Area Development Association & Milltown-Limestone Civic Alliance. I share these concerns and believe significant changes are needed before the proposed new rules move forward.	See responses to Comment Nos. 1 through 7.

38	Robby Chabalko, Westover Hills - Section B, Board Member	Various	You recently received a joint comment letter dated Dec 31 from Save Our County, Civic League, Greater Hockessin Area Development Association & Milltown-Limestone Civic Alliance. I share these concerns and believe significant changes are needed before the proposed new rules move forward.	See responses to Comment Nos. 1 through 7.
39	John and Jan Sergeant, 104 Westgate Drive, Westgate Farms Wilmington, DE 19808	Various	<p>You recently received a joint comment letter dated Dec 31 from Save Our County, Civic League, Greater Hockessin Area Development Association & Milltown-Limestone Civic Alliance.</p> <p>I share these concerns and believe significant changes are needed before the proposed new rules move forward.</p>	See responses to Comment Nos. 1 through 7.
40	Martin Willey, 151 Oldbury Drive, West Gate Farms West Gate Farms Civic Association Wilmington, DE 19808	Various	You recently received a joint comment letter dated Dec 31 from Save Our County, Civic League, Greater Hockessin Area Development Association & Milltown-Limestone Civic Alliance. I share these concerns and believe significant changes are needed before the proposed new rules move forward.	See responses to Comment Nos. 1 through 7.
41	Katherine Ward and James P. Smigie, 1012 Kent Road,	Various	Just as those who are concerned signatories to the joint-comment letter, dated 31 December 2012, from Save Our County, the Civic League for New Castle County & Southern New Castle County Alliance, the Greater Hockessin Area Development Association, and the Milltown-Limestone Civic Alliance about DelDOT's December 14 draft Amendment to the Standards and Regulations for Subdivision Streets and	See responses to Comment Nos. 1 through 7.

	Wilmington, DE 19807 Members, Service Corp. of Westover Hills, Section C		<p>State Highway Access, we were not happy to read the new proposal in which DelDOT not only dismissed important suggestions that would help protect the public interest, but also added new language that would serve to further weaken current and proposed regulations.</p> <p>We think significant changes are needed and hope that you will reconsider both the intent and the content of the proposed regulations before they move forward.</p>	
42	Terence J Dinneen, 903 Augusta Road, Wilmington DE 19807	Various	<p>As a 74 year old who was born in Delaware and lived here my entire life, my reaction to DelDOT's actions brings to mind Gov. Christie's reaction to our dysfunctional congress when he said, "It's why the American people hate Congress. Unlike the people in Congress, we have actual responsibilities." DelDOT's total indifference to the residents of Delaware is disgusting, whether it's DelDOT's land deals with people like Chris Tigani, or DelDOT's Dec. 14 draft Amendment to the Standards and Regulations for Subdivision Streets and State Highway Access, DelDOT's indifference to what's in the best interest of the people of Delaware is shocking.</p> <p>Legend has it that Delaware got its nickname of the "Diamond State" from Thomas Jefferson, who called it a "jewel among the states." Jefferson also said, "I predict future happiness for Americans if they can prevent the government from wasting the labors of the people under the pretense of taking care of them". May I remind you, DelDOT's fiduciary responsibility is to the people of Delaware and to keep Delaware, not to the developers who's only responsibility is to make more money.</p> <p>You recently received a joint comment letter dated Dec. 31 from Save Our County, Civic League, Greater Hockessin Area Development Association and Milltown-limestone Civic Alliance. I share these concerns and believe significant changes are needed before the proposed new rules move forward.</p>	See responses to Comment Nos. 1 through 7.
43	Nancy Willing 5 Francis	General	I find DelDOT's third revision to the Traffic Impact Sections of the State's Standards and Regulations to have deficits that may take more time and consideration before the planned March 2013 implementation.	Thank you for your comment.

	Circle Newark, DE 19711			
44		General	<p>DelDOT explains that, in response to legislation proposed in 2011, they revised these regulations with workshops in the fall of that year. Ironically, a second revision was performed by county planning directors and DelDOT staff....yet noted on page 40 of the Public Hearing Presentation - 09/13/2012 is that the public trust is lessened if only DelDOT staff and local land use agency are involved in a planning effort.</p>	<p>The cited part of the hearing presentation refers to the desirability of seeking input in developing a Master Plan for an area. We do value public input, as witnessed by the September workshop at which the presentation was made.</p>
45		Section 2.1 – Purpose and Section 2.13 – Transportation Improvement Districts	<p>From Comments and Responses - 11/15/12</p> <p>I see a greater role for public involvement in scoping for TIS and TID.</p> <p>Thank you for revising Service Standards to must include Level of Service (#69) and scoping a policy consideration (#66).</p> <p>#44 - DelDOT seems to have ignored the Bayberry Infrastructure Agreement here.</p>	<p>Thank you for your comments.</p> <p>We did not mention the Bayberry Infrastructure Agreement because it is an agreement with a single developer. In the context cited we were addressing areas and districts.</p>
46		General	<p>The public would like to trust our local and state agencies but I don't think you have adequately sorted out the legal authority for DelDOT vs. local governments for road improvements and concurrency expressed in # 28 ., #29 and #62 Comments and Responses.</p>	<p>See response to Comment No. 1.</p>
47		General	<p>DelDOT seems to firmly believe that public input will be limited to Comprehensive Plan Updates and permission by County Ordinance.</p> <p>#69 Comment: "some measure of public involvement is disturbing". Response: "TOAs going forward will be engineering studies intended to address technical concerns....to add a public involvement process serves no one".</p> <p>#72 Comment: "TISs...are just another way to cut out public participation". Response: (#73) (#65)"Regarding the public's role, it is mentioned...implicitly in much of the process....in local governments' Comprehensive Plans".</p> <p>#119 Comment: "I ask that the agency involve me directly in any</p>	<p>Your comment addresses several aspects of the proposed regulations at once. It may be more useful to distinguish between them.</p> <p>As we have said previously, most Traffic Operational Analyses (TOAs) to date have been, and all TOAs going forward will be, engineering studies intended to address technical concerns identified in the review of entrance locations and designs. To add a public involvement process to the requirements for such studies serves no one.</p>

			<p>discussion regarding any TID in my district and by inclusion, any Memorandum of Agreement".</p> <p>Response: "we recommend that you initiate a County ordinance in this regard".</p>	<p>Traffic Impact Studies (TIS) fulfill a dual role in that they study traffic conditions in the area surrounding a development for two purposes: identifying the traffic impacts of proposed development and suitable remediation for those impacts and, where there is a local adequate public facilities ordinance, determining whether that ordinance is or can be satisfied. In reviewing such studies, DelDOT serves primarily as an advisor to the local governments, which are charged with governing land use. We believe the appropriate place for public input in that process is meetings of the local government's planning commission and city or county council.</p> <p>Transportation Improvement Districts (TID) as presently proposed, would involve both State and local government, including in some instances more than one local government and a Metropolitan Planning Organization (MPO). While the process to be followed is not established in the proposed regulation, to create a TID would involve a Comprehensive Plan Update to specify where the TID should be created, the adoption of an overall TID agreement between DelDOT, the local government(s) and perhaps an MPO, and subsequent amendments of the TID agreement to adopt a Land Use and Transportation Plan, an Infrastructure Fee Program, and in most instances a Monitoring Program. As we see it, all of these actions would afford opportunities for public input at meetings of the local government's planning commission and city or county council, and probably at meetings of the MPO's Council and Technical and Public Advisory Committees.</p>
48		General	<p>Also remarkable was this exchange about input by private attorneys:</p> <p>#76 Comment: "These regulations require refining by a team of lawyers...none of them should be currently employed by NCC or the State of have represented developers or been employed by a firm who does".</p> <p>Response: "The regulations have been reviewed by a Deputy AG....and</p>	<p>Thank you for your comment.</p>

			include input from other lawyers with relevant experience. Your suggestion....would exclude the very lawyers with expertise needed for the task".	
49		Section 2.3.4 – Development within a Transportation Improvement District (TID) Paragraph 5	<p>Complaints about who pays - DelDOT admits that they are responsible for all existing traffic and don't have the money to remedy already failing intersections.</p> <p>#98 - Comment: "why is the percentage contribution based upon the increase in traffic and not all intersection traffic?"</p> <p>Response: "the subject paragraph assumes that the existing facilities are adequate to handle the existing traffic, so the cost of improvements beyond the existing condition should be apportioned among future developments. We understand your concerns and will amend the paragraph."</p>	<p>It is not clear what your concern is. Our draft regulation had said that in instances where no contribution formula has been defined, "the subject development's percentage contribution [would be based on their contribution] to the increase in the peak hour traffic passing through the facility to be improved."</p> <p>In response to a concern that this default formula would be unfair, we now propose to base the contribution on the total traffic rather than the increase in traffic. We believe that is fair. It will necessarily shift costs from the development community to the general public, but they are costs we do not believe the development community should have to pay.</p>
50		General	<p>Grandfathering In:</p> <p>#82 Comment from Stoltz lobbyist Roger Roy -</p> <p>Response: "The approach suggested has merit and will be considered."</p>	Thank you for your comment.
51		Section 2.13.2.4 - Target Horizon Year [for a Transportation Improvement District (TID)] and Section 2.5.2.2 Intersections and Roadway Segments to be Studied [in a Traffic Impact Study]	<p>Scoping of study area for TID (Section 2.12.2.4) says forecasts for employment and population will rely on information provided in local Comprehensive Plan Updates. Yet these CPU projections have been proven to be highly erroneous.</p> <p>The developers aren't happy about it either -</p> <p>#95 Comment: "The existing way study areas are determined allows professional engineers to use engineering judgement to determine the intersections to be studied on site-specific basis. The proposed methodology may result in unnecessary analysis and review of it thus wasting resources (Time and money) for both developers and the state."</p> <p>In #95 and in #100 point blame directly on the Barley Mill LLC rezoning flap and 'activists' -</p> <p>Comment: "The proposed study area determination criterion seems to be an overreaction to concerns from a small amount of citizens in a certain area of the state."</p> <p>Response: "It is our understanding that if we do not adopt a more rigorous approach by regulation, one will be legislated."</p>	<p>There seems to be some confusion between different sections of the proposed regulations. There is no Section 2.12.2.4. Section 2.13.2.4 does address TIDs and mentions population and employment forecast, although not in the context of establishing (scoping) study areas. We acknowledge that there is always the potential for error in population and employment forecasting but the alternative is not to plan. We have an obligation to plan for future conditions using the best information available. With regard to how population and employment will be distributed in the future, local government forecasts, informed by the Delaware Population Consortium, are our best source of information.</p> <p>Our understanding of Comments #95 and #100 on the previous draft of our proposed regulations is that they object to the use of DelDOT's travel demand models to</p>

				<p>predict trip distributions, and therefore study areas for Traffic Impact Studies (TIS). This is different from the use of such models in creating TIDs in at least two ways.</p> <p>First, the future dates that are examined are quite different. In creating a TID, we would be looking relatively far into the future, about 20 years. Most TIS look only 2 to 10 years in the future, when population and employment are known with better confidence.</p> <p>Second, the use of the models is different. In creating a TID, we would use the model to predict daily and peak hour traffic volumes, that is all the traffic projected to be on the roads. In TIS, we would use the models only to predict the distribution of traffic generated by the subject development and perhaps other specific proposed developments in the area. The amount of traffic generated by these developments is typically estimated using a standard reference, the Institute of Transportation Engineers' <u>Trip Generation Manual</u>). Background traffic is typically estimated by applying growth factors to counted volumes.</p> <p>We understand the objections raised in Comments #95 and #100 to be on Mr. Hughes' belief that the models may not accurately reflect the routes that people will actually travel. We are sensitive to this concern and do our best to calibrate our models to counted volumes.</p>
52		General	<p>Public input is derided in comments made by DelDOT staff in the News Journal article, Public input translates to tweaksfor DelDOT published 12/20/20:</p> <p>"There is understandably a fair amount of distrust in the community generally, whether it be on the developer's or citizen-advocate's side," DelDOT spokesman Geoff Sundstrom said. "The changes to their concerns are just improvements on the margins to add some reassuring language that DelDOT is not going to act unilaterally and take all the power for ourself."</p>	<p>We apologize if you were offended by our comments. No offense or derision was intended.</p>

			<p>and DelDOT’s Sundstrom said they hope the changes produce an additional change: Better land-use strategies by all three counties that don’t rely on state traffic regulations as a primary way to derail major development projects.</p> <p>“Community activists and legislators have sought to use DelDOT’s traffic regulations as a last-ditch attempt to block a project, which is essentially a political goal,” Sundstrom said. “We think this new approach will better allow members of the community and developers to work with county officials to come up with reasonable land-use decisions.” DelDOT Planning Coordinator Bill Brokenbrough agreed.</p> <p>“You shouldn’t base your land-use planning on the outcome of a traffic-impact study,” he said. “The larger question of what you want your neighborhood to look like as it grows ought to be looked at in a more holistic manner. We hope these new regulations foster that kind of a dialogue.”</p>	
53	Howard Fortunato, Home Builders Association of Delaware	Section 2.13 – TIDs	<p>The regulations emphasize the development of Transportation Improvement Districts (TID’s) which include developing areas, traffic and improvement forecasting and set a fee for contributions by developments. We support the creation of Transportation Improvement Districts. We recommend that fees be collected at the time of building permit. We are glad that DelDOT agrees that collection should occur at the time of building permit. We continue to advocate the creation of a reasonable impact fee to be determined and utilized within respective TID’s to implement necessary improvements. While we understand the legislative hurdle, we believe this is the correct approach and can provide support in this regard.</p>	Thank you for your support in these regards.
54		Section 2.5.2.2 Intersections and Roadway Segments to be Studied [in a Traffic impact Study]	<p>When determining intersections to count towards the maximum of three intersections, the regulations still do not count existing signalized intersections at shopping centers or municipal roads. While we support clarifying the scope of traffic studies within the regulations and aforementioned process, we continue to recommend that signalized intersections count toward the maximum of three (3) intersections if the signal is not at an intersection which includes state maintained roads. As you are aware, there are major intersections to shopping centers and other facilities which may not occur at state maintained roads. We support the</p>	Thank you for your opinion. To be clear, under our proposed regulations, three intersections of State-maintained roads establishes the geographic limits of the Traffic Impact Study (TIS). If there is a signalized intersection with something other than a State-maintained street within those limits, it needs to be addressed. Because you mentioned Traffic Operational Analyses (TOA) in this comment, we point out that our proposed regulations clarify the difference between a

			consideration of language that accounts for the retail, office or residential developments that do contribute large traffic volumes to the roadway network. These developments, when they are large enough or contain the right mix of uses, create significant signalized intersections that should be considered in a TIS/TOA. While the intersection may be between a state maintained road and a private entrance, the intersection is significant nonetheless and many of the proposed trips are generated from or lost into the existing development. Even if they're not, the intersection, by virtue of the volume of existing trips, should be considered as part of the required scope (the total count of three (3)). We believe that consideration on a case-by-case approach or setting some threshold for the existing development should be set and the opportunity to include the intersection in the required scope be given.	TIS and a TOA: a TOA should have a much smaller study area, relating to concerns about the site access.
55		Section 2.3.1 – Basis for Recommendation [that a Traffic Impact Study (TIS) be required]	The regulations now outline when Traffic Operational Analysis (TOA) can be required. It is our understanding that this study can be required when a project exceeds 200 trips per day but less than 400 trips per day. At 400 trips per day; a full TIS can be required. With the implementation of the TOA, we recommend that the threshold to require a TIS be increased. It is our understanding that the threshold was lowered to capture projects which may have a localized impact at major intersections but did not necessarily meet the warrants for a TIS. It would seem that the TOA now captures those scenarios and a lower threshold for a full TIS review is no longer necessary. While we appreciate DelDOT's response that a TOA is not necessarily a TIS, our experience is that they are effectively a localized TIS for smaller projects. In addition, section 2.14.1 states that a TOA may include queuing analysis, HCM analysis, and Crash analysis which are the necessary elements of a TIS. We understand that DelDOT has made a continuous effort to maintain a consistent standard across local jurisdictions. However, we believe DelDOT should be recommending thresholds for analysis based on the entire state and not based on local requirements. While Kent and New Castle Counties do have thresholds which currently mimic DelDOT's section 2.3.1 Paragraph 3-3 is clear that a TIS is warranted when the local jurisdiction has adopted "more stringent TIS requirements..." As a result, Kent and New Castle Counties would not be affected by increasing the minimum TIS threshold requirements. We are looking for some clarity on the decision to keep the TIS threshold at 400 trips per day rather than increasing it	Thank you for your suggestions in this regard. In drafting the proposed regulations, we did not look critically at the volume-based warrants for requiring a TIS. We are in the process of preparing a more comprehensive revision of our <u>Standards and Regulations</u> , which we plan to advertise for public comments soon. We will revisit this matter as part of that effort.

			back to 2000 trips per day or something in moderation, say 1000 trips per day.	
56		Section 2.15.1 - Signals and 2.15.4 – Traffic Signal Revolving Fund	The regulations clarify the requirement of signal agreements. We support further clarification of signal agreements and the required language. As you may be aware, signal agreements have been a hindrance as it relates to project financing through financial institutions. This is a result of the lack of clarity within the agreement. We recommend that all signal agreements include the required improvements, required cost, and timing of payment. While the regulations assume a blanket cost of \$200,000 for all signals unless DelDOT has prepared a design, we recommend that developers be allowed to work with DelDOT to prepare a conceptual design and define the scope prior to execution of the agreement such that actual costs can be utilized. This eliminates a lack of financial predictability which is necessary for the success of projects and to secure project financing. The regulations currently state “If a design has proceeded such that the actual cost is available, this cost will be adjusted.” However, our experience is that DelDOT Traffic will not initiate any design until the signal is actually warranted which could be a long period of time. We recommend the following language be included: “The developers engineer may work with DelDOT to prepare a conceptual Signal Design and cost estimate to be approved by DelDOT in an effort to quantify the required contribution to the Revolving Fund.”	Thank you for your suggestions in this regard. We are in the process of preparing a more comprehensive revision of our <u>Standards and Regulations</u> , which we plan to advertise for public comments soon. We will revisit this matter as part of that effort.
57		General	We recommend that DelDOT be responsible for costs associated with existing traffic at failed intersections. As you are aware, a development which may impact an existing failed intersection is responsible for the cost to improve the intersection to support the development as well as the existing traffic. This creates an unnecessary financial burden on a project. In addition, it should be noted that most intersections within areas where growth is promoted involve the scenario described above. As a result, development is discouraged within those areas and encouraged in areas where existing capacity may already exist. While your response to Comment #5 states that “DelDOT does accept responsibility for background traffic at existing intersections”, your response to comment #16 seems to contradict. A developer should not be responsible for costs to traffic generated by their development. This must be further clarified in the regulations.	Thank you for your opinion. While it is not apparent from what you quoted, Comment No. 5 and our response thereto were specific to the Traffic Signal Revolving Fund, while Comment No. 16 and our response thereto were more general. We believe our position is clear but we will clarify it further in the upcoming comprehensive revision of our <u>Standards and Regulations</u> .
58		Section 2.3.2 – Area Wide	Section 2.3.2 of the Current Regulations: We recommend language be included to clarify how the Area Wide Study fee is calculated as it relates	Thank you for your suggestion in this regard. We agree that this matter should be addressed. We will plan to do

		Study Fee	to re-development. Section 2.3.2 of the current regulations state "...to contribute funds equally to ten dollars (\$10.00) per daily trip to be generated by the development (Area Wide Study fee)." We suggest the section read "per net daily trip" in order to clarify that it is only net traffic that is subject to the fee.	so in the upcoming comprehensive revision of our <u>Standards and Regulations</u> .
59		Section 2.3.2 – Area Wide Study Fee	Section 2.3.2 of the current regulations states that "payment of an area wide study fee in lieu of a TIS will not preclude the applicant's responsibility for funding and/or construction of its share of off-site improvements." The timing of the area wide study and the potential for off-site improvements is not addressed. While we support being responsible for reasonable improvements which are the result of development impacts, developers cannot be responsible for unknown costs.	Thank you for your opinion. The timing of the area wide study for a particular area is often undetermined. Our practice, consistent with the language we propose to add in Section 2.2.5, is to say that the potential for additional off-site improvements ends with our Letter of No Objection (LONO). We can add language to this affect in the upcoming comprehensive revision of our <u>Standards and Regulations</u> .
60		Section 2.15.4.5- Costs and Cost Allocation [with regard to the Traffic Signal Revolving Fund]	Section 2.15.4.5; Paragraph 2 includes provisions to collect maintenance costs. We oppose the inclusion of maintenance costs within the contribution calculation. While we support developers being responsible for capital improvements which may result from their development, we oppose developers also being responsible for maintenance costs which are the responsibility of the tax base that is created by development.	Thank you for your opinion. We disagree. Adding infrastructure adds to maintenance costs. The amount we propose to collect is only enough for about five years of maintenance, which will allow time for us to begin including the increased costs to our regular maintenance budget.
61		Section 2.14.2 – Rules for requirement of a Traffic Operational Analysis	Section 2.14.2; Paragraph 6 includes a reference to a TMP. We do not believe that a Traffic Maintenance Plan should be part of a TMP. These are decisions that occur after the design process and during the construction process and are generally unknown until a contractor has been hired. We recommend striking any language related to a TMP within this chapter.	Thank you for your suggestions in this regard. There may be some confusion as to what a Transportation Management Plan is (TMP). Our guidelines on this subject, adopted pursuant to a federal mandate, apply to all projects impacting state right-of-way, including construction relating to land development. The guidelines are clear that for certain projects there are issues that may need to be addressed in the Planning, Design, and Construction phases. As part of the upcoming comprehensive revision of our <u>Standards and Regulations</u> we will evaluate where the requirement for TMPs need to be mentioned.

62		Section 2.3.1 – Basis for Recommendation [that a Traffic Impact Study (TIS) be required]	<p>Section 2.3.1; Paragraph 5 states TIS can be warranted if “In the opinion of DelDOT, it is in the public interest to obtain further traffic information from a proposed development”.</p> <p>This is extremely subjective. In addition, there are a number of stringent criteria for which a TIS is required. If a project does not meet the aforementioned criteria, it would seem unreasonable that a TIS would be required. In addition, this provides a level of uncertainty and lack of clarity with the regulatory process as DelDOT could effectively require a TIS for every project.</p>	Thank you for your opinion. We will consider making this change in the upcoming comprehensive revision of our <u>Standards and Regulations</u> .
63		Section 2.5.2.2 Intersections and Roadway Segments to be Studied [in a Traffic impact Study]	Section 2.5.2.2; Paragraph 2 states that “to the extent that a local government receives requests from the public through their land use process that an intersection or other transportation facility be included in a TIS...” While we understand that a local jurisdiction may have criteria which is more stringent than DelDOT’s criteria, the determination of the area of influence should be based on an engineering analysis and not by public emotion. This language has the result of confusing DelDOT’s responsibility with that of the local jurisdiction. IF this statement is to remain, suggest that a line be added which states “If an intersection which is requested to be studies is not a result of either DelDOT or local jurisdiction ordinance. DelDOT shall make the final determination regarding whether or not that intersection should be included.”	Thank you for your opinion. The proposed language provides a reasonable balance between providing consistency for developers and public participation. We will consider possible further changes in this regard in the upcoming comprehensive revision of our <u>Standards and Regulations</u> .
64		Section 2.14.1 – Introduction [to section on Traffic Operational Analysis]	Section 2.14.1; Paragraph 1 states that queuing analysis shall include the 95 th percentile “...to determine whether the existing and proposed left turn lane at the site entrance is adequate.” It is our understanding that DelDOT is considering modifying the parameters which may affect the adequacy access. While we don’t object to analyzing the 95 th percentile analysis, we suggest eliminating the aforementioned language above which suggests that the access is not permissible if the 95 th percentile queue is not achieved.	Thank you for your opinion. We will consider making this change in the upcoming comprehensive revision of our <u>Standards and Regulations</u> .
65		Section 2.2.5 – Requirement of a New TIS [Traffic Impact Study] or TOA [Traffic Operational	Section 2.2.5 includes language regarding whether or not a new TIS or TOA would be required for either a change in a land use plan or change in the area. The language currently reads “...that existing or projected future conditions in the study area have changed significantly after the completion of the TIS or TOA, DelDOT may require a new, revised, or updated TIS or TOA at its sole discretion...” We recommend that language be included that states: “If a proposed TIS or TOA was	Thank you for your opinion. We will consider further changes to Section 2.2.5 in the upcoming comprehensive revision of our <u>Standards and Regulations</u> . However, the language suggested does not protect the public from changes that may occur with the passage of time between completion of the TIS/TOA and issuance of the LONO

		Analysis]	previously completed and there is no change in the land use application, a new TIS or TOA should not be required.” Paragraph 2 references a scenario when a TIS or TOA was completed and Letters of No Objection and/or approved entrance plans have been issued. The regulation currently states: “...DelDOT may require a new, revised or updated TIS only if the development changes in a way that necessitates a new or amended Record Plan.” We recommend that a new TIS not be required if the change in land use is less than the additional traffic for which a new TIS would be warranted. That is, if an existing study is completed, the entrance plans are approved or the plan is recorded and there is a change in land use from that plan and/or TIS of less than 400 trips per day or 50 peak hour trips, a new study should not be necessary.	
66	John Janowski, New Castle County Department of Land Use	Section 2.1 - Purpose	In the eighth paragraph (which defines intersections), improve the definition of <i>major intersection or access drive</i> . Intersections that are signalized or all-way stop significantly affect the highway system; and they are useful for evaluating traffic impact because a single LOS figure can be determined. So expand the definition from the current 500 vehicle trips per day or 50 trips per hour, to include those intersections or access drives that are signalized or all-way stop. For clarity also state that Type II and Type III Subdivision Streets are included, since by definition both carry more than 500 vehicle trips per day. The resulting modified definition can state “. . . a major intersection or access drive shall be defined as one that is signalized or all-way stop controlled, or where the side street likely carries vehicle traffic of more than 50 trips per hour or more than 500 trips per day (including Type II and Type III Subdivision Streets).”	Thank you for your suggestion. Presently, while we define the term “major intersection or access drive” in the regulation amendment that is now pending, we do not use it. It is a remnant from a regulation amendment that was proposed but not adopted in 2011. As you may be aware, DelDOT staff has for some time been preparing a comprehensive revision of the <u>Standards and Regulations for Subdivision Streets and State Highway Access</u> , addressing all chapters, not just Chapter 2. We will revisit this suggestion as part of that comprehensive revision.
67		Section 2.1 - Purpose	In the eleventh paragraph (starting with "A TIS"), for clarity replace "subdivision" with "subdivision or land development".	Thank you for your suggestion. While we agree that the change you suggest would be an improvement, we do not see it as essential to make this change now. As you may be aware, DelDOT staff has for some time been preparing a comprehensive revision of the <u>Standards and Regulations for Subdivision Streets and State Highway Access</u> , addressing all chapters, not just Chapter 2. We will revisit this suggestion as part of that comprehensive revision.
68		Section 2.1 - Purpose	Under the twelfth paragraph, Item a (HCM/LOS Analysis) should mention road segments in addition to intersections.	Thank you for your suggestion. While we agree that the change you suggest would be an improvement, we do not see it as essential to make this change now. As

				you may be aware, DelDOT staff has for some time been preparing a comprehensive revision of the <u>Standards and Regulations for Subdivision Streets and State Highway Access</u> , addressing all chapters, not just Chapter 2. We will revisit this suggestion as part of that comprehensive revision.
69		Section 2.3.4 – Development within a Transportation Improvement District (TID)	<p>Under the conditions for including development within a TID:</p> <p>Condition 1 (development entrances): Move this after Condition 2 (which involves creation of the TID), then reword it to state "The development has major access within the TID or on the TID boundary." This wording is needed to accommodate TIDs which are bounded by roads, such as the Route 40 Transportation Plan area (which is bounded on the north by Old Baltimore Pike and on the south by Porter Road). Developments on both sides of these roads have been recognized as being within the Route 40 Plan area, although that area is located on only one side of each road. For example, Lighthouse Baptist Church is located on the north side of the Pike (outside the Route 40 area); but it has access on the Pike (the boundary of the 40 area) and on Otts Chapel Road (outside the 40 area). The modified definition should allow recognition of such developments as part of the TID they border.</p>	<p>Thank you for your suggestions. We will reorder the conditions as you recommend.</p> <p>Going forward, the wording change you recommend should not be necessary, as we intend to avoid using roads as TID boundaries (See proposed Section 2.13.2.3). For existing areas that are treated as being similar to TIDS, e.g. the Route 40 Corridor, proposed Section 2.13.2.9 would allow DelDOT and the County to continue our current practices until we negotiate and agree on different practices.</p>
70		Section 2.3.4 – Development within a Transportation Improvement District (TID)	<p>Further under the conditions for including development within a TID:</p> <p>Condition 2b (implementation of transportation improvements): Change "based on forecast traffic volumes" to "based on traffic volumes calculated from adopted demographic data".</p>	Thank you for your suggestion. While we agree that the change you suggest would be an improvement, we do not see it as essential to make this change now. As you may be aware, DelDOT staff has for some time been preparing a comprehensive revision of the <u>Standards and Regulations for Subdivision Streets and State Highway Access</u> , addressing all chapters, not just Chapter 2. We will revisit this suggestion as part of that comprehensive revision.
71		Section 2.3.4 – Development within a Transportation Improvement District (TID)	<p>Further under the conditions for including development within a TID:</p> <p>Condition 3a (traffic forecasts for a TID): Correct this, since it now appears to allow replacement of approved developments by new developments that generate even more traffic. Do this by changing "lower" to "higher", so the definition will read: "The subject development</p>	Thank you for your suggestion. As you may be aware, DelDOT staff has for some time been preparing a comprehensive revision of the <u>Standards and Regulations for Subdivision Streets and State Highway Access</u> , addressing all chapters, not just Chapter 2. We will revisit this suggestion as part of that comprehensive

			(or another land use of equivalent or higher peak hour trip generation) was explicitly accounted for in the traffic forecasts used in the current LUTP for the TID; . . ."	revision.
72		Section 2.5.2.1 – General [pertains to Traffic Impact Study Scoping Meetings]	Generally, we agree with these aspects of a TIS Scope. New Castle County may want to consider amending its code to reflect these, in order to better define a study area. We suggest adding to these regulations an example of a rural study area.	Thank you for your support. Your suggestion that we add an example of a rural study area seems to make the most sense in the context of Section 2.5.2.2. While we agree that adding an example of a rural study area could be an improvement, we do not see it as essential to make this change now. Further, we see a need to balance thoroughness with concision. As you may be aware, DelDOT staff has for some time been preparing a comprehensive revision of the <u>Standards and Regulations for Subdivision Streets and State Highway Access</u> , addressing all chapters, not just Chapter 2. We will revisit this suggestion as part of that comprehensive revision.
73		Section 2.5.2.1 – General [pertains to Traffic Impact Study Scoping Meetings]	The definition of Item b ("committed developments") may vary by local jurisdiction. This definition may need elaboration, here or within Section 1.5 (Definitions). For example, New Castle County considers an approved exploratory plan for a major plan or rezoning to be committed.	Thank you for your suggestion. The term “committed development” is defined in Section 1.5. the definition has been in place for some time, and we do not see it as essential to change the definition now. However it may be desirable to acknowledge that local governments may have different definitions. As you may be aware, DelDOT staff has for some time been preparing a comprehensive revision of the <u>Standards and Regulations for Subdivision Streets and State Highway Access</u> , addressing all chapters, not just Chapter 2. We will revisit this suggestion as part of that comprehensive revision.
74		Section 2.5.2.2 – Intersections and Roadways to be Studied [in a Traffic Impact Study]	First paragraph (definition of <i>the area of influence</i>): This appears to favor intersections with the through roads which are shown on the Functional Classification Map at http://deldot.gov/information/pubs_forms/func_maps/pdf/f05new_ken.bleadow.pdf . The definition does so by including intersections <i>up to and including the third State-maintained road having a three-digit maintenance number</i> (which apparently are Functional Classification	Thank you for your suggestion. While we agree that this part of Section 2.5.2.2 can probably be improved to make it clearer to the general public, we do not see it as essential to change it now. As you may be aware, DelDOT staff has for some time been preparing a comprehensive revision of the <u>Standards and Regulations for Subdivision</u>

			Roads). For information, make the definition explicitly state these roads are in the Functional Classification Network (with a link to the Map). Or explain in some other way the type of roads which have three-digit maintenance numbers (and distinguish them from Subdivision Streets).	<u>Streets and State Highway Access</u> , addressing all chapters, not just Chapter 2. We will revisit this suggestion as part of that comprehensive revision.
75		Section 2.5.2.2 – Intersections and Roadways to be Studied [in a Traffic Impact Study]	<p>First paragraph (definition of <i>the area of influence</i>):</p> <p>The paragraph indicates this area is defined with a travel demand model. Specifically refer to this as the "regional adopted model", which uses adopted demographic projections based on the State or Metropolitan Planning Organization transportation plans. All transportation elements within local government comprehensive plans should be based on these plans.</p>	Thank you for your suggestion. Preliminarily, we agree that a change to this effect would be an improvement. However, we do not see it as essential to make this change now. As you may be aware, DelDOT staff has for some time been preparing a comprehensive revision of the <u>Standards and Regulations for Subdivision Streets and State Highway Access</u> , addressing all chapters, not just Chapter 2. We will revisit this suggestion as part of that comprehensive revision.
76		Section 2.5.2.2 – Intersections and Roadways to be Studied [in a Traffic Impact Study]	<p>First paragraph (definition of <i>the area of influence</i>):</p> <p>To ensure that all important intersections are studied (including those intersections for which a single LOS figure can be determined), also improve the last sentence of this definition. Do so by changing this sentence to read "Within that area, the intersections to be analyzed shall include all major intersections and access drives." This change would apply the improved definition of major intersection or access drive suggested above.</p>	Thank you for your suggestion. See our response to Comment No. 66. Preliminarily, we agree that a change to this effect might be an improvement. However, we do not see it as essential to make this change now. As you may be aware, DelDOT staff has for some time been preparing a comprehensive revision of the <u>Standards and Regulations for Subdivision Streets and State Highway Access</u> , addressing all chapters, not just Chapter 2. We will revisit this suggestion as part of that comprehensive revision.
77		Section 2.5.2.2 – Intersections and Roadways to be Studied [in a Traffic Impact Study]	<p>First paragraph (definition of <i>the area of influence</i>):</p> <p>In the two examples of determining the area of influence for particular studies, change the last step to "Add in intervening major intersections and access drives." This will help ensure that all important intersections are considered.</p>	Thank you for your suggestion. See our response to Comment No. 66. Preliminarily, we agree that a change to this effect might be an improvement. However, we do not see it as essential to make this change now. As you may be aware, DelDOT staff has for some time been preparing a comprehensive revision of the <u>Standards and Regulations for Subdivision Streets and State Highway Access</u> , addressing all chapters, not just Chapter 2. We will revisit this suggestion as part of that comprehensive revision.
78		Section 2.13.2.2 - TID Agreement	The current New Castle County Memorandum of Agreement with DelDOT includes the Wilmington Area Planning Council (WILMAPCO) as a signatory. So change the first sentence to "DelDOT,	Thank you for your suggestion. We believe this change is unnecessary because proposed Section 2.13.3.3 accomplishes the same purpose.

			the local government(s), and the local metropolitan planning organization ..."	
79		Section 2.13.2.8 - Infrastructure Fee Program	Is the word "monetize" used correctly here? Should "quantify" be used instead?	Thank you for your suggestion. We will replace "monetize" with "estimate the costs of."
80		Section 2.13.2.9 - Transition Rules for Certain Pre-existing TIDS	New Castle County does not have any formal designated TIDs, only those that are defined as a "similarly defined area". DelDOT uses the term "functional equivalent". Should one term be used for consistency? And should "January 2012" be changed to a later date?	Thank you for your suggestions. While we agree that it may be better for DelDOT and the County to use the same terms, we do not see it as essential to make a change in this regard now. As you may be aware, DelDOT staff has for some time been preparing a comprehensive revision of the <u>Standards and Regulations for Subdivision Streets and State Highway Access</u> , addressing all chapters, not just Chapter 2. We will revisit this suggestion as part of that comprehensive revision. We appreciate that January 2012 is now well past but we see no need to change this date.
81		Section 2.13.3.3 - MPO Participation	If a jurisdiction is part of an MPO then should the jurisdiction's participation in the MPO be mandatory, in order for the jurisdiction and developers there to participate in TIDs?	We may not understand your question. We see the participation of the MPO as being of assistance to the State and local governments involved in creating and administering a Transportation Improvement District (TID). While we would encourage local governments to be active within an MPO that includes them, some municipalities, especially the smaller ones, may be unwilling or unable to provide participants for this purpose. We do not believe their active participation in the MPO should be a condition for creation of a TID.
82		Section 2.14.2 – Rules for requirement of a TOA [Traffic Operational Analysis]	Should there be mention of a required TOA in place of a TIS within a TID? Or is this possibility addressed elsewhere in the regulations?	We believe this possibility is adequately addressed in the last paragraph of Section 2.3.4 and in proposed Section 2.14.2, but we want to be clear that we are contemplating a change in current practice. Presently when a development is proposed in an area that is similar to a Transportation Improvement District (TID) and there is not sufficient Level of Service (LOS) information available to determine whether the County's concurrency requirements are met, the developer has the option of performing an analysis to

				<p>show that the requirements are met and that they can therefore qualify for a waiver of the County’s requirement for a Traffic Impacts Study (TIS). Often these analyses are similar in scope to the TIS that they seek to avoid doing, thus giving rise to the complaint “I have to do a TIS to show that I don’t need to do a TIS.” These analyses have been referred to as Traffic Operational Analyses (TOA), which has contributed to confusion about the definition of a TOA.</p> <p>While it necessarily does not change County requirements, our proposed regulation amendment would discourage such lengthy analyses. In relevant parts, it says that a TOA should focus on the site access (Section 1.5) and that when LOS information is needed more than one intersection beyond the site access a TIS shall be required (Section 2.3.4). We recognize that this change would place our regulations at odds with current County practice, if not County regulations, but we find that the situation needs to be addressed. We look forward to working with the County in this regard.</p>
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